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HARRISBURG**

DEC 28 2000

MARY E. D'ANDREA, CLERK  
Per. *JK*  
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PAUL LEE, :  
 Plaintiff :  
 v. :  
 :  
 :  
 : Civil No. 1:CV-00-00486  
 UNITED STATES OF AMERICA, et al. :  
 Defendants :

(Kane, J.)

**DEFENDANTS' REPLY TO PLAINTIFF'S  
MOTION FOR LEAVE TO AMEND COMPLAINT**

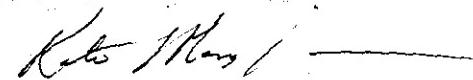
On March 15, 2000, inmate Paul Lee filed a combined Federal Tort Claims Act ("FTCA"), 28 U.S.C. §2671 et seq., and Bivens complaint. Defendants filed a motion to dismiss and a motion for summary judgment and supporting briefs on November 27 and December 11, 2000, respectively. On December 14, 2000, rather than oppose the dispositive motions, Lee filed a motion for leave to amend his Complaint.

Defendants note that Fed. R. Civ. P. 15(a), provides that a party is permitted to amend his pleading "once as a matter of course at any time before a responsive pleading is served . . . ", or a party may amend "by leave of court or by written consent of the adverse party; and leave shall be freely given . . . ." Accordingly, because Rule 15(a) permits plaintiff to amend his

aint, defendants do not oppose Lee's motion to amend his  
complaint.

Respectfully submitted,

DAVID M. BARASCH  
United States Attorney



KATE L. MERSHIMER  
Assistant U.S. Attorney  
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217 Federal Building  
225 Walnut Street  
Post Office Box 11754  
Harrisburg, PA 17108

Dated: December 28, 2000

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF PENNSYLVANIA

PAUL LEE, :  
Plaintiff :  
: :  
v. : Civil No. 1:CV-00-00486  
: (Kane, J.)  
UNITED STATES OF AMERICA, et al. :  
Defendants :  
:

CERTIFICATE OF SERVICE BY MAIL

The undersigned hereby certifies that she is an employee in the Office of the United States Attorney for the Middle District of Pennsylvania and is a person of such age and discretion as to be competent to serve papers.

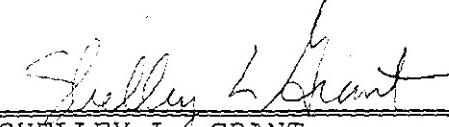
That on December 28, 2000, she served a copy of the attached

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MOTION FOR LEAVE TO AMEND COMPLAINT**

by placing said copy in a postpaid envelope addressed to the person hereinafter named, at the place and address stated below, which is the last known address, and by depositing said envelope and contents in the United States Mail at Harrisburg, Pennsylvania.

Addressee:

Paul Lee  
Reg. No. 01656-087  
FCI Allenwood  
P.O. Box 2000  
White Deer, PA 17887

  
Shelley L. Grant  
SHELLEY L. GRANT  
Paralegal Specialist